

MS#183302.1 (MSFT 4966)
PATENT**REMARKS**

Applicants have thoroughly considered the Examiner's remarks in the Office action dated April 28, 2004. The specification has been amended to correct minor typographical errors. Claims 1-31 are presented in the application for further examination. Claims 1-26, 28 and 31 have been amended by this Amendment A to more clearly set forth the invention. Reconsideration of the application claims as amended and in view of the following remarks is respectfully requested.

Claim Objection

Applicants have amended claim 6 to address the Examiner's objection. Therefore, Applicants request that the objection to claim 6 be withdrawn.

Claim Rejection under 35 U.S.C. § 101

Claims 1-12, 14-22 and 26-30 stand rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. The Examiner asserts "the claims appear to be software per se and not functionally descriptive material." Applicants respectfully disagree with the assertion and argue that the claims in the present application recite software that produces a concrete, tangible and useful result.

The present application involves extracting funnels from clickstream data representing an ordered path of successively viewed web pages. This information is particularly valuable in analyzing web usage. One of the many concrete, tangible and useful results of the present invention is a list of stored paths extracted from clickstream data in accordance with a criterion, such as the depth criterion of claim 1. A report of the extracted list of stored paths according to an analyst's depth, width, or other criterion can lead to further modifying or enhancing the structure or contents of web pages to meet specific needs. This is more than a mere abstraction of idea or mathematical algorithm; rather, it achieves a practical application. *Arrhythmia Research Tech. v. Corazonix Corp.*, 948 F.2d 1053, 1057, 22 USPQ2d 1033, 1036 (Fed. Cir. 1992). In addition, the claims in the present application are not software *per se* and are not "descriptive materials." As explained above, the concrete and tangible result provided by the present invention precludes a finding that the claims "(1) consist solely of mathematical

MS#183302.1 (MSFT 4966)
PATENT

operations without some claimed practical application or (2) simply manipulate abstract ideas or a bubble hierarchy." *In re Alappat*, 33 F.3d 1526, 1543 n.19, 32 USPQ2d 1545, 1556 n.19.

Therefore, Applicants assert that the invention set forth in the claims and described in the specification is statutory. Hence, Applicants request that the rejection of claims 1-12, 14-22 and 26-30 under section 101 be withdrawn. If, however, the Examiner is inclined to maintain the rejection, Applicants request the Examiner to identify the features of the invention that would render the claimed subject matter statutory if recited in the claims, pursuant to MPEP § 2106 (IV) (B).

The Office action also states that "claims 26 and 27 identify fixed fields which are not data structures." Applicants have amended claim 26 to further clarify that the first and second fields are not fixed data structures. As such, Applicants respectfully request that the rejection of claims 26 and 27 be withdrawn.

Claim Rejection under 35 U.S.C. § 112

Claims 1-12, 14-22 and 26-30 stand rejected under 35 U.S.C. § 112, first paragraph. Applicants believe that the claims, as amended, are directed to statutory subject matter as discussed above. Therefore, the rejection under 35 U.S.C. § 112, first paragraph must be withdrawn.

Claim 4 stands rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. Applicants respectfully disagree with the Examiner's reading of the present application.

The specification of the present application describes the invention in detail and would sufficiently enable one skilled in the art to make and/or use the invention without undue experimentation. In particular, the specification describes the terms used in claim 4 in the first paragraph on page 10, lines 1-12. Applicants have amended claim 4 to further clarify the invention by coinciding terms used in the specification with the claims of the present application in such a way as to enable one skilled in the art to make and/or use the invention. Therefore, Applicants respectfully request that the rejection of claim 4 be withdrawn.

Claims 3, 5, 6 and 15 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out the distinctly claim the subject matter which applicants regard as the invention. Applicants have amended claims 3, 5, 6 and 15 to address the

MS#183302.1 (MSFT 4966)
PATENT

Examiner's rejection. As such, Applicants request that the rejection of claims 3, 5, 6 and 15 be withdrawn.

Claim Rejection under 35 U.S.C. § 102

Claims 1-31 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Copperman et al, U.S. Pub. 2003/0115191 ("Copperman publication"). Applicants respectfully disagree with the Examiner's reading of the present application.

The Copperman publication discloses a system for organizing documents of a web site to steer or guide users to particular documents within the web site. Contrary to the Copperman publication, the present application does not attempt to steer or guide a user to a needed content or page. Instead, the present application teaches a method and system for analyzing a clickpath of a user when visiting a series of web pages of interest and producing a clickpath funnel analysis in response to a particular width or depth criterion. The present application teaches storing clickpaths of a user as the user visits documents of a web site (e.g., no guidance is given). This is entirely different from the teachings of the Copperman publication, which guides users to desired content.

Therefore, Applicants respectfully request that the rejection of the independent claims 1, 14, 19, 24, 26, and 28 be withdrawn. The dependent claims individually recite features, which in combination with the features of the independent claims, are also patentable. Therefore, rejections of these claims should also be withdrawn.

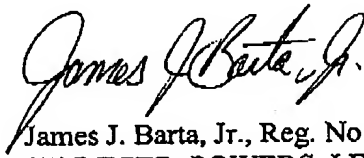
MS#183302.1 (MSFT 4966)
PATENT**SUMMARY & CONCLUDING REMARKS**

For at least the reasons noted above, Applicants respectfully submit that claims 1-31 are in condition for allowance and respectfully request favorable reconsideration of this application. Although the prior art made of record and not relied upon may be considered pertinent to the disclosure, none of these references anticipates or makes obvious the recited invention.

The fact that Applicants may not have specifically traversed any particular assertion by the Office should not be construed as indicating Applicants' agreement therewith. If the Examiner feels, for any reason, that a personal interview will expedite the prosecution of this application, he is invited to telephone the undersigned.

The Commissioner is hereby authorized to charge any deficiency or overpayment of any required fee during the entire pendency of this application to Deposit Account No. 19-1345.

Respectfully submitted,



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